HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 142 (S/S)2006

Sri Ramesh Ram S/o late Sri Bachi Ram,
Presently attached as suspended Clerk,
Uttaranchal State Road Transport Corporation,
Ramnagar, Kashipur Depot. --------Petitioner.

Vs.

1. Managing Director,
   Uttaranchal State Road Transport Corporation,
   Dehradun,
2. Regional Manager,
   Uttaranchal State Road Transport Corporation,
   Kumaon Region, Nainital,
3. Assistant Regional Manager,
   Uttaranchal State Road Transport Corporation,
   Kumaon Region, Nainital. ------Respondents.

Sri Syed Nadim, leaned counsel for the petitioner.
Sri A.N. Sharma, learned counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Syed Nadim, learned counsel for the petitioner and Sri A.N. Sharma, learned counsel for the respondents.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:-

a. Issue any writ, order or direction in the nature of certiorari to quash and set aside the impugned suspension order dated 05.03.2005 as well as the subsequent termination order dated 02.02.2006 (annexure- 1 & 5 to the writ petitioner).

b. Issue writ, order direction in the nature of mandamus directing the respondent no. 2 to reinstate the services of the petitioner as Booking Clerk and be pay salary regularly alongwith arrears w.e.f. the date when the petitioner was restrained from functioning,

c. Issue any writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

d. Award the cost of the petitioner.

3. Counsel for the petitioner has submitted that vide order dated 05.03.2005, the petitioner who was working as Depot Clerk with the Uttaranchal State Road Transport Corporation was suspended and subsequently vide order dated 02.02.2006 passed by the Regional Manager, Uttaranchal State Road Transport Corporation/respondent no. 2, he was terminated from services, after holding departmental inquiry.

4. The petitioner has already filed appeal before the Managing Director, Uttaranchal State Road Transport Corporation, Dehradun against the order dated 02.02.2006 by which the services of the petitioner were terminated, which is pending before the respondent no.1. The petitioner cannot avail two remedies simultaneously.

5. During the course of argument, learned counsel for the petitioner has submitted that he respondent no. 1 may be directed to decide the appeal filed by him, which is pending before respondent no.1, at the earliest.

6. The prayer is innocuous.

7. Consequently, the respondent no. 1 is directed to decide the appeal filed by the petitioner against the impugned order dated 02.02.2006 within a period of two months from the date of production of a certified copy of this order.

8. With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

May 18, 2006:
NCM: